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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

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DAVID P GORDON ESQ
65 WOODS END ROAD
STAMFORD, CT 06905

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

12

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are presented for examination.
2. The text of those sections of Title 35, U.S.Code not included in this office action can be found in a prior office action.
3. Claims 2 and 9-11 would allowable if rewritten to overcome the rejections under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The claim language in the following claims is not clearly understood:
 - i. as to claim 1, line 11, it is not clearly understood what is meant by "identity of the or each image selected" (i.e. identity of each selected complex image);
 - ii. as to claim 2, lines 4-5, it is not clearly understood what is meant by "selecting the or each key image" (i.e. selecting each key image);
Line 5, it is not clearly understood what is meant by "in preference to the or each dummy image (i.e. in preference to each dummy image);

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- iii. as to claim 8, line 2, it is not clearly understood what is meant by “wherein the or each chosen image” (i.e. wherein each chosen image);
- iv. as to claim 14, line 8, it is not clearly understood what is meant by “identity of the or each selected image” (i.e. identity of each selected complex image);

Lines 11 and 12, it is not clearly understood what is meant by “identity of the or each image selected” (i.e. identity of each selected complex image);

5. Claims 1, 3, 6, 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullman et al. (US 5,280,527).

6. As to claims 1 and 14, Gullman et al. disclose a distributed client/server computer network (col. 3, lines 26-35), the network comprising:

a client (14, fig. 1) and remote server (10, fig. 1);

non-volatile (24, fig. 1) means in said client for storing a plurality of biometrics (col. 4, lines 43-46), each of said biometrics having an identity (col. 2, lines 20-26);

means for selecting at least one biometric from said plurality of biometrics stored by said client (col. 2, lines 31-35);

means for transmitting means for transmitting the identity of said selected biometric or biometrics from client to remote server (col. 7, lines 20-23); and

means for determining by said remote server, from the identity of each selected biometric, whether the client is authorized to gain access, via the remote server, to a network resource (col. 7, lines 23-25).

7. Gullman et al. do not specifically disclose complex image. However, Gullman et al. disclose template of user biometric information (col. 2, lines 28-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the complex image in Gullman et al's system because it is well known in the art that biometric refers to the study of measurable biological characteristics and techniques that rely on a unique, measurable characteristic of a living being for automatically recognizing or verifying identity.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gullman et al. (US 5,280,527), as applied to claim 1 above, further in view of Davies (US 5,608,387).

9. As to claim 4, Gullman et al. do not specifically disclose at least one dummy images. However, Davies discloses dummy images (fig. 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gullman et al. and Davies because Davies's dummy images improve the security of Gullman et al's system by an authorized user to select a visually recognized facial image.

10. As to claims 3, 6, 7, 12 and 13, Gullman et al. disclose wherein in the order two or more biometrics are selected is used to determine whether the client is authorized to gain access to the resource (col. 2, lines 20-26; col. 7, lines 23-25).

11. Claims 5, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gullman et al. (US 5,280,527), as applied to claims 1, 3, 6, 7 and 12-14 above, further in view of Gilchrist et al. (US 6,167,517).

12. As to claims 5, 8, and 15, Gullman et al. do not specifically disclose the plurality of images are down-loaded from the remote server to the client. However, Gilchrist et al. disclose plurality of images are down-loaded from the remote server to the client (308, fig. 3; col. 6, lines 5-7). It would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gullman et al. and Gilchrist et al. because downloading the images from the server to client in Gilchrist et al's system would improve the performance of Gullman et al's system by allowing the client to transmit a download request to the server, thereby receiving updated files.

13. Applicant's arguments filed on 5/5/03 have been fully considered but they are not persuasive.

14. In the remarks, applicants argued in substance that

- (1) A biometric is not an image of a face or a fingerprint, it is a measurement.
- (2) It is unclear whether the memory is in the host or the user apparatus. In either case, it is not specified that it is capable of storing a plurality of complex images. The examiner has taken the position that a biometric template is the same as a complex image. However, the memory referred to in this part of Gullman does not store a plurality of biometric templates. It stores only one set of biometric information. Thus, it cannot read on the claimed memory.
- (3) The examiner objects to the use of the phrase "the or each". It is respectfully submitted that this phrase does not render the claims indefinite.

15. Examiner respectfully traverses applicants' remarks.

As to point (1), applicant admits that face and fingerprint may be considered a complex image on page 3 of applicant's argument. Gullman clearly discloses that biometric information includes a fingerprint, voiceprint or writing sample (col. 3, lines 43-44). Thus, the fingerprint image disclosed in Gullman is considered as claimed "complex image".

As to point (2), examiner disagrees with applicant. Gullman clearly discloses biometric samples are obtained and permanently stored as templates, and multiple templates for multiple users are stored (col. 5, lines 59-61). Gullman clearly shows that the client device (14, figs. 1, 2) is configured to store the multiple set of templates in the memory of the client device (col. 5, lines 57-60).

As to claim (3), examiner maintains U.S.C. 112, second paragraph rejection, since the phrase "the or each" render the claims indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
July 11, 2003


ZARNI MAUNG
PRIMARY EXAMINER